

SECOND REGULAR SESSION

# HOUSE BILL NO. 2017

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KELLY (27) AND SELBY (Co-sponsors).

Read 1<sup>st</sup> time February 21, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4361L.011

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### AN ACT

To repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof two new sections relating to adoption records.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 193.125 and 193.255, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 193.125 and 193.255, to read as follows:

193.125. 1. For each adoption decreed by a court of competent jurisdiction in this state,  
2 the court shall require the preparation of a certificate of decree of adoption on a form as  
3 prescribed and furnished by the state registrar. The certificate of decree of adoption shall include  
4 such facts as are necessary to locate and identify the certificate of birth of the person adopted,  
5 and shall provide information necessary to establish a new certificate of birth of the person  
6 adopted and shall identify the court and county of the adoption and be certified by the clerk of  
7 the court. The state registrar shall file the original certificate of birth with the certificate of  
8 decree of adoption and such file may be opened by the state registrar only upon receipt of a  
9 certified copy of an order as decreed by the court of adoption **or pursuant to subsection 2 of**  
10 **this section.**

11 **2. Upon receipt of a written application to the state registrar, any adopted person**  
12 **fifty years of age or older born in the state of Missouri shall be issued a certified copy of**  
13 **his or her unaltered, original, and unamended certificate of birth in the custody of the state**  
14 **registrar, with procedures, filing fees, and waiting periods identical to those imposed upon**  
15 **nonadopted citizens of the state of Missouri. If the state registrar has no records on the**  
16 **adopted person, the state registrar shall certify such information to the requesting person**

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 **within thirty days. Within sixty days following a written request of the adopted person**  
18 **accompanied by a copy of the certification from the state registrar, any circuit court in**  
19 **possession of such records shall provide copies of the records to the adopted person.**  
20 **Nothing in this subsection shall be construed as violating the provisions of section 453.121,**  
21 **RSMo.**

22 [2.] **3.** Information necessary to prepare the report of adoption shall be furnished by each  
23 petitioner for adoption or the petitioner's attorney. The social welfare agency or any person  
24 having knowledge of the facts shall supply the court with such additional information as may be  
25 necessary to complete the report. The provision of such information shall be prerequisite to the  
26 issuance of a final decree in the matter by the court.

27 [3.] **4.** Whenever an adoption decree is amended or annulled, the clerk of the court shall  
28 prepare a report thereof, which shall include such facts as are necessary to identify the original  
29 adoption report and the facts amended in the adoption decree as shall be necessary to properly  
30 amend the birth record.

31 [4.] **5.** Not later than the fifteenth day of each calendar month or more frequently as  
32 directed by the state registrar the clerk of the court shall forward to the state registrar reports of  
33 decrees of adoption, annulment of adoption and amendments of decrees of adoption which were  
34 entered in the preceding month, together with such related reports as the state registrar shall  
35 require.

36 [5.] **6.** When the state registrar shall receive a report of adoption, annulment of adoption,  
37 or amendment of a decree of adoption for a person born outside this state, he or she shall forward  
38 such report to the state registrar in the state of birth.

39 [6.] **7.** In a case of adoption in this state of a person not born in any state, territory or  
40 possession of the United States or country not covered by interchange agreements, the state  
41 registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in  
42 the name of the adopted person, as decreed by the court **or written application to the state**  
43 **registrar by adoptees fifty years of age or older as provided in subsection 2 of this section.**  
44 The state registrar shall file the certificate of the decree of adoption, and such documents may  
45 be opened by the state registrar only by an order of court. The birth certificate prepared [under]  
46 **pursuant to** this subsection shall have the same legal weight as evidence as a delayed or altered  
47 birth certificate as provided in section 193.235.

48 [7.] **8.** The department, upon receipt of proof that a person has been adopted by a  
49 Missouri resident pursuant to laws of countries other than the United States, shall prepare a birth  
50 certificate in the name of the adopted person as decreed by the court of such country. If such  
51 proof contains the surname of either adoptive parent, the department of health and senior services  
52 shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of

53 the name of the adopted person shall be made by a court of competent jurisdiction. The proof  
54 of adoption required by the department shall include a copy of the original birth certificate and  
55 adoption decree, an English translation of such birth certificate and adoption decree, and a copy  
56 of the approval of the immigration of the adopted person by the Immigration and Naturalization  
57 Service of the United States government which shows the child lawfully entered the United  
58 States. The authenticity of the translation of the birth certificate and adoption decree required  
59 by this subsection shall be sworn to by the translator in a notarized document. The state registrar  
60 shall file such documents received by the department relating to such adoption and such  
61 documents may be opened by the state registrar only by an order of a court **or written**  
62 **application to the state registrar by adoptees fifty years of age or older as provided in**  
63 **subsection 2 of this section.** A birth certificate pursuant to this subsection shall be issued upon  
64 request of one of the adoptive parents of such adopted person or upon request of the adopted  
65 person if of legal age. The birth certificate prepared pursuant to the provisions of this subsection  
66 shall have the same legal weight as evidence as a delayed or altered birth certificate as provided  
67 in sections 193.005 to 193.325.

68 [8.] **9.** If no certificate of birth is on file for the person under twelve years of age who has  
69 been adopted, a belated certificate of birth shall be filed with the state registrar as provided in  
70 sections 193.005 to 193.325 before a new birth record is to be established as result of adoption.  
71 A new certificate is to be established on the basis of the adoption [under] **pursuant to this**  
72 section and shall be prepared on a standard certificate of live birth form.

73 [9.] **10.** If no certificate of birth has been filed for a person twelve years of age or older  
74 who has been adopted, a new birth certificate is to be established [under] **pursuant to this**  
75 section upon receipt of proof of adoption as required by the department. A new certificate shall  
76 be prepared in the name of the adopted person as decreed by the court, registering adopted  
77 parents' names. The new certificate shall be prepared on a delayed birth certificate form. The  
78 adoption decree is placed in a sealed file and shall not be subject to inspection except upon an  
79 order of the court.

193.255. 1. The state registrar and other custodians of vital records authorized by the  
2 state registrar to issue certified copies of vital records upon receipt of application shall issue a  
3 certified copy of any vital record in [his] **the registrar's** custody or a part thereof to any  
4 applicant having a direct and tangible interest in the vital record, **including an adopted person**  
5 **fifty years of age or older as provided for in section 193.125.** Each copy issued shall show  
6 the date of registration, and copies issued from records marked "Delayed" or "Amended" shall  
7 be similarly marked and show the effective date. The documentary evidence used to establish  
8 a delayed certificate shall be shown on all copies issued. All forms and procedures used in the  
9 issuance of certified copies of vital records in the state shall be provided or approved by the state

10 registrar.

11       2. A certified copy of a vital record or any part thereof, issued in accordance with  
12 subsection 1 of this section, shall be considered for all purposes the same as the original and shall  
13 be prima facie evidence of the facts stated therein, provided that the evidentiary value of a  
14 certificate or record filed more than one year after the event, or a record which has been  
15 amended, shall be determined by the judicial or administrative body or official before whom the  
16 certificate is offered as evidence.

17       3. The federal agency responsible for national vital statistics may be furnished such  
18 copies or data from the system of vital statistics as it may require for national statistics, provided  
19 such federal agency share in the cost of collecting, processing, and transmitting such data, and  
20 provided further that such data shall not be used for other than statistical purposes by the federal  
21 agency unless so authorized by the state registrar.

22       4. Federal, state, local and other public or private agencies may, upon request, be  
23 furnished copies or data of any other vital statistics not obtainable [under] **pursuant to**  
24 subsection 1 of this section for statistical or administrative purposes upon such terms or  
25 conditions as may be prescribed by regulation, provided that such copies or data shall not be used  
26 for purposes other than those for which they were requested unless so authorized by the state  
27 registrar.

28       5. The state registrar may, by agreement, transmit copies of records and other reports  
29 required by sections 193.005 to 193.325 to offices of vital statistics outside this state when such  
30 records or other reports relate to residents of those jurisdictions or persons born in those  
31 jurisdictions. This agreement shall require that the copies be used for statistical and  
32 administrative purposes only, and the agreement shall further provide for the retention and  
33 disposition of such copies. Copies received by the department from offices of vital statistics in  
34 other states shall be handled in the same manner as prescribed in this section.

35       6. No person shall prepare or issue any certificate which purports to be an original,  
36 certified copy, or copy of a vital record except as authorized herein or by regulations adopted  
37 hereunder.